

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2330 OF 2004
IN
APPEAL LODGING NO.456 OF 2004
IN
NOTICE OF MOTION NO.2427 OF 2002
IN
SUIT NO.2978 OF 2002

M/s.Marie Joseph Noronha & Ors .. Appellants.

V/s.

Lt.Col.Marcelling Naronha & Ors. .. Respondents.

Mr.Binay Mishra i/b. Ms.S. Dabbarman for the appellants.

Mr.Shailesh Shah i/b. Soloman & Co. for respondent No.1.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 3RD SEPTEMBER, 2004.

P.C. :

There is delay of 15 days in filing the appeal.

2. For the reasons stated in the affidavit in support of the notice of motion, we are satisfied that the appellants were prevented by sufficient cause in filing the appeal in time.

3. The delay of 15 days in filing the appeal is condoned.

4. Office to process the appeal and post it for admission as soon as numbered.

5. The objection raised by the learned counsel for respondent No.1 that the appeal is not maintainable is kept open to be considered at the time of consideration of the appeal for admission.

6. The notice of motion stands disposed of.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)